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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,597	01/20/2000	Evgeniy M. Getsin	IACTP017	6029

22242 7590 10/18/2006

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EXAMINER	
BASHORE, WILLIAM L	

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/489,597	GETSIN ET AL.	
	Examiner	Art Unit	
	William L. Bashore	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/15/06*.
4) ☑ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Request for Reconsideration (hereinafter the Request) filed 8/1/2006, to the original application filed **1/20/2000**. IDS filed 9/26/2001, 3/15/2004, 4/5/2004, 4/12/2004, 4/14/2004, 9/3/2004, 10/27/2004, 1/28/2005, 3/31/2005, 8/31/2005, 9/2/2005, 2/2/2006, and 9/15/2006.

2. Claims 1-18 pending. Claims 1, 7, 13 are independent.

Claim Rejections - 35 USC § 103

3. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. (hereinafter Roberts), U.S. Patent No. 6,161,132 issued December 2000, in view of Craig (hereinafter Craig), U.S. Patent No. 6,108,687 issued August 2000.**

In regard to independent claim 1, Roberts teaches synchronization of entertainment media to musical CD recordings within client devices in a network chat room environment, utilizing plug-ins (Roberts column 2 lines 19-26, column 6 lines 61-67, column 7 lines 10-24; compare with claim 1 "*A method for identifying playback devices of a plurality of client apparatuses which are networked to simultaneously playback an event, comprising the steps of:*"

Roberts teaches a chat server requesting a user insert a CD into his/her player, resulting in communication of the CD's unique identifier to said server, ultimately resulting in the opening of a chat room

for eventual CD synchronization of other client devices (Roberts column 7 lines 15-37 to column 8 lines 14; compare with claim 1 "*receiving requests prior to a start time from each of the client apparatuses to simultaneously playback the event*").

Roberts teaches a command plug-in for aiding in the playing of a musical recording, said plug-in gathers information regarding the capabilities of the client's CD drive, therefore determining the type of drive (i.e. 2x, 4x, etc.) (Roberts column 4 lines 1-16). Roberts also teaches said embodiment controlling devices other then audio CDs (i.e. DVD, etc.) (Roberts Abstract, column 2 lines 5-10) (compare with claim 1 "*identifying a type of the playback device of each of the client apparatuses*").

Roberts teaches a remote host initiating actions on a client device, as well as said host becoming aware of user initiated actions on said device (i.e. CD player buttons, etc. (Roberts column 2 lines 5-26). In order for said host (i.e. server or chat server) to become aware of the client device controls, the command data regarding said controls must be made available to the host (compare with claim 1 "*looking up a command associated with the identified type of the playback device*").

Roberts teaches synchronization of CD playback associated with a chat room (Roberts column 7 lines 15-37 to column 8 lines 14). If a chat room exists and is open with another client, the server will allow joining and synchronizing of a user's CD with the other client.

It is additionally noted that a chat room must ultimately start at some point in time, and prior to chat room participation/synchronization, Robert's chat server requests a user insert a CD into his/her player to communicate the CD's unique identifier (see above).

Although a predefined threshold period of acquisition can be defined as the time during the active participation of said chat room (the time duration of the chat room), alternatively the predefined threshold period can also be interpreted as the time between initial communication of said identifier, and the ultimate starting point of the simultaneous playback of an event (the chat room) (compare with claim 1 "*determining whether each request is received during a predetermined threshold period prior to the simultaneous playback of the event*").

Roberts teaches a chat host using the commands of a client device for synchronizing the display of content using a unique identifier (of the CD), as well as synchronization of participating client CDs by comparing and synchronizing information (i.e. start times, audio volumes, etc.) between devices during a chat room session using plug-ins (Roberts column 6 lines 60-67, column 7 lines 10-37 to column 8 lines 1-2). Roberts does not specifically teach said synchronization of client devices based upon analyzing device type capabilities, as claimed. However, Roberts teaches a plug-in which collects capabilities about a CD drive (Roberts column 2 lines 1-18, column 4 lines 1-16). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the plug-in analyzing CD capabilities and controls, to Robert's chat room embodiment, providing the analysis of device type commands for chat room CD device synchronization, providing Robert's the benefit of synchronization of audio CD devices with a wide array of different characteristics (i.e. speed 1x, 2x, 4x, 8x, etc.) (compare with claim 1 "*sending the command to the corresponding client apparatus for beginning the playback of the event simultaneously with the playback of the event on each of the remaining client apparatuses....*").

Roberts teaches synchronization of CD playback associated with a chat room (Roberts column 7 lines 15-37 to column 8 lines 14). As explained above, if a chat room exists and is open with another client, the server will allow joining and synchronizing of a user's CD with the other client, therefore the predefined threshold period of acquisition can be the time during the active participation of said chat room (the time duration of the chat room). During the chat session, a client may indicate a change (a predetermined point) in the position of the CD, therefore propagating said change to all other clients accordingly, at a time during the playback of the event.

Alternatively, however, a predetermined threshold period can be interpreted as the period of time between initial communication of each CD's identifier, and the ultimate starting point of the simultaneous playback of an event (the chat room) (see above), therefore the chat room ultimately starts with the CD devices initially identified during a predetermined threshold period. Accordingly, since chat rooms typically allow user participation at any point during the chat room's existence, likewise, Roberts allows a new CD device to join in

at any point after the chat room begins. Since this occurs after the predetermined threshold period as alternatively explained above, the server never receives the new CD device's identifier during said threshold period (compare with claim 1 "*for those requests received during the....not received during the threshold period.*").

Roberts does not specifically teach that received requests during its threshold period occur prior to "*a start time of initially beginning*" the playback. However, Craig teaches synchronized presentation of slides over a network, in which display is synchronized across participating clients accordingly (Craig Abstract). Craig additionally teaches initiation of a presentation with a slide showing title and presentation start time, allowing student users to establish connections, and thereby alerting said users as to when the lecture/presentation is to begin (Craig column 12 lines 7-21). It is noted that Craig's presentation "initiation" period can be reasonably interpreted as a predefined threshold period, and the beginning of Craig's "actual presentation" can be reasonably interpreted as the beginning (start time) of the simultaneous playback of the event. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Craig to Robert's device synchronization, providing Roberts the benefit of allowing all participating users to experience a multimedia chat session in its entirety (i.e. beginning a simultaneous chat session), for better understanding of a presentation, especially in an educational setting.

In regard to dependent claim 2, Roberts teaches both visual and audio presentations (Roberts column 4 lines 58-67 to column 5 lines 1-27).

In regard to dependent claim 3, claim 3 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Roberts teaches a chat room network for identifying and synchronizing devices as explained in the rejection of claim 1 above (see also Roberts Abstract, column 6 line 61, to column 7 lines 30).

In regard to dependent claim 4, Roberts teaches the Internet (a wide area network) (Roberts column 1 lines 57-61).

In regard to dependent claim 5, Roberts teaches generation of a unique identifier associated with musical recordings on a CD, as well as a CD key for entering special Web areas (Roberts column 6 lines 49-60). Roberts does not specifically teach a client apparatus storing an identifier for identifying a host (i.e. Roberts's chat room host embodiment does not store host identification in the client device), as claimed. However, since it is known that chat session synchronization between a chat server and clients involve communication between said server and all participating clients, Roberts's teaching of said chat room embodiment provides the claimed equivalent of a host identifier so that two way communication can commence. It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Roberts in this fashion, providing a client device of Roberts a key piece of essential information so that the client device knows the identification of the chat server.

In regard to dependent claim 6, Roberts teaches an embodiment utilizing a DVD device (Roberts column 2 lines 5-10).

In regard to independent claim 7, claim 7 reflects the computer program product comprising computer readable instructions used for performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 8-12, claims 8-12 reflect the computer program product comprising computer readable instructions used for performing the methods as claimed in claims 2-6, respectively, and are rejected along the same rationale.

In regard to independent claim 13, claim 13 reflects the system comprising computer readable instructions used for performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 14-18, claims 14-18 reflect the computer program product comprising computer readable instructions used for performing the methods as claimed in claims 2-6, respectively, and are rejected along the same rationale.

Response to Arguments

5. Applicant's arguments filed 8/1/2006 have been fully and carefully considered but they are not persuasive.

Applicant asserts on pages 7-8 of the Request that the Roberts and Craig patents fail to suggest making any type of determination with respect to whether requests are received during a threshold period prior to a start time of initially beginning a simultaneous event as claimed. Applicant asserts that Roberts instead allegedly teaches away from such a configuration because Roberts requires a chat room to be started upon receipt of a first request, and thus, there is no reason to determine whether a request is received during a threshold period prior to beginning the start of a simultaneous event. Applicant also asserts that one skilled in the art would not combine Craig with Roberts as suggested in the rejection of May 1, 2006 in that the Roberts further teaches away from queuing requests (see page 8 of the Request). Arguments made on pages 9-14 of the Request are substantially directed to the above assertions.

The examiner respectfully disagrees. Without clarification of the claimed "threshold", a threshold can be fairly interpreted as presented in the instant rejection. A "predetermined threshold period" can be fairly interpreted as the time from initial communication of a CDs identifier, to the ultimate starting point of a chat room. Roberts can ultimately begin a chat room with a plurality of devices queued up and waiting. The Craig reference is introduced to teach Applicant's amendment accordingly. Craig is used to teach synchronized

presentation of slides over a network, in which display is synchronized across participating clients accordingly (Craig Abstract). Craig additionally teaches initiation of a presentation with a slide showing title and presentation start time, allowing student users to establish connections, and thereby alerting said users as to when the lecture/presentation is to begin (Craig column 12 lines 7-21). It is noted that Craig's presentation "initiation" period can be reasonably interpreted as a predefined threshold period, and the beginning of Craig's "actual presentation" can be reasonably interpreted as the beginning (start time) of the simultaneous playback of the event. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Craig to Robert's device synchronization, providing Roberts the benefit of allowing all participating users to experience a multimedia chat session in its entirety (i.e. beginning a simultaneous chat session), for better understanding of a presentation, especially in an educational setting.

It is respectfully noted that both references are in the same field of endeavor inasmuch as both teach at least chat room embodiments with threshold periods.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Bashore

WILLIAM BASHORE
PRIMARY EXAMINER

October 15, 2006